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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,616	03/09/2004	John Allan Grinstead		1773

7590 07/28/2006
John Allan Grinstead
2439 Periwinkle Way
Sanibel Island, FL 33957

EXAMINER

LAVINDER, JACK W

ART UNIT PAPER NUMBER

3677

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/796,616

Applicant(s)

GRINSTEAD, JOHN ALLAN

Examiner

Jack W. Lavinder

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Williams, 363309 in view of Salva, D372680.

Williams discloses a metal springy bracelet (a) with a plate (5) having ornamentation (c) on the surface of the plate. The plate includes a notch/recess located in the edge of the plate (figure 2) for receiving the hook (4, 6). The hook is placed in the recess in order to connect the ends of the bracelet together. The springiness of the band forces the hook, while engaged with the notch, away from the notch to prevent the notch and the hook from becoming disengaged.

The claimed invention requires that a loop-shaped link be used to connect with the notch/recess in the edge of the plate. Williams discloses a hook-shaped link (4) for connecting with the notch/recess, but does not disclose using a loop-shaped link.

Salva discloses that it is old and well known to use a loop-shaped link for connecting the ends of a bracelet together. The loop-shaped link is used to prevent the unwanted disengagement between the loop-shaped link and the u-shaped plate-like member. The loop has the advantage of completely encircling the plate-like member to prevent the unwanted disengagement of the bracelet from the wearer.

Therefore, it would have been obvious to a person having ordinary skill in the art to modify Williams's hook-shaped link to be a loop-shaped link in order to improve the securement between the ends of the bracelet.

3. Claim 2 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Williams, 363309 in view of Salva, D372680, as applied previously, and further in view of Rigberg, 4897826

Williams fails to disclose a timepiece on the plate. However, Rigberg, 4897826, discloses a band with a plate having a timepiece (13) on the plate for displaying time. It would have been obvious to a person having ordinary skill in the art to provide Williams's bracelet with a timepiece to provide a means for the wearer to check the time.

4. Claims 3 and 4 have rejected under 35 U.S.C. 103(a) as being unpatentable over Williams, 363309 in view of Salva, D372680, as applied previously, and further in view of Goodin, 6976327.

Regarding claim 3, Williams in view of Salva fails to disclose placing printed matter on the surface of the plate. First, the courts have noted that printed matter cannot be used to patentably distinguish applicant's invention over the prior art. Second, Goodin discloses an ornamental band including a rigid plate (14) with at least one lateral recess (16b), a springy band (12) rigidly attached to the plate (14) on one end and a u-shaped link (16f, 16g, figure 10) rigidly attached to the other end. The u-shaped link is adapted to settle in the lateral recess (16b) in the edge of the plate because of the bias of said springy band, i.e., the teeth (16h and 18) interlock to prevent

the springy band from springing out of the lateral recess (16b). The bracelet includes indicia for identifying the baby, such as name, date of birth, mother's name and the like.

The examiner takes official notice that indicia on a bracelet identifying the wearer's medical conditions is well known to the person in the art.

Therefore, it would have been obvious to a person having ordinary skill in the art to include indicia on Williams's plate to inform EMTs (emergency medical technicians) of the patient's medical conditions to prevent any harm from coming to the patient while being treated by the EMTs.

Response to Arguments

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

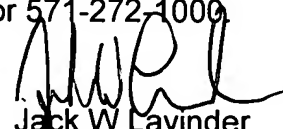
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack W. Lavinder whose telephone number is 571-272-7119. The examiner can normally be reached on Mon-Friday, 9-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jack W Lavinder
Primary Examiner
Art Unit 3677

7/16/2006